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**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

ROBERT MAXEY,
Plaintiff,

v.

**STATE OF NEVADA, ex. rel., its
BOARD OF REGENTS OF THE
NEVADA SYSTEM OF HIGHER
EDUCATION ON BEHALF OF THE
UNIVERSITY OF NEVADA, LAS
VEGAS, and the CONSOLIDATED
STUDENTS OF THE UNIVERSITY OF
NEVADA, LAS VEGAS; DAVID
RAPOPORT; and DOES 1-10,**

Defendants.

Case No. 2:10-cv-00728-GMN-LRL

**PLAINTIFF'S REQUEST FOR
PRETRIAL CONFERENCE**

Robert Maxey ("Plaintiff") respectfully requests this Court schedule a pretrial conference. This request is made and based upon Local Rule 16-2, the papers and pleadings on file, and the following memorandum of points and authorities.

MEMORANDUM OF POINTS AND AUTHORITIES

I. Statement of Facts

On April, 29, 2010, Plaintiff filed, in the Eight Judicial District Court, Clark County, Nevada, his Complaint for Damages, Injunction, and Other Equitable Relief.

On May 5, 2010, Plaintiff filed his First Amended Complaint for Damages Injunctive Relief and Other Equitable Relief.

On May 19, 2010, Defendants removed the instant action to this Court. [ECF No. 1].

On June 7, 2010, Plaintiff filed his Motion for Summary Judgment. [ECF No. 7].

1 On July 8, 2010, Defendants filed their Answer and Affirmative Defenses to
2 Plaintiff's First Amended Complaint for Damages, Injunctive Relief and other
3 Equitable Relief. [ECF No. 15].

4 On August 9, 2010, Defendants filed their Opposition to Plaintiff's Motion for
5 Summary Judgment. [ECF No. 16].

6 On August 18, 2010, Defendants filed their original Motion for Summary Judgment.
7 [ECF No. 17].

8 On August 26, 2010, Plaintiff filed his Reply to Defendants' Opposition to Plaintiff's
9 Motion for Summary Judgment. [ECF No. 20].

10 By minute order on November 17, 2010, this Honorable Court referred this matter
11 to the United States Magistrate Judge for the scheduling of a settlement conference
12 upon the close of discovery. [ECF No. 33]. Discovery closed on January 3, 2011. [ECF
13 No. 19]. To date, a settlement conference has yet to be scheduled.

14 On November 23, 2010, the Court entered its Order on Plaintiff's Motion to Strike.
15 [ECF No. 36]. The Order allowed Defendants to file an Amended Motion for Summary
16 Judgment within 14 days of the Order. [ECF No. 36].

17 On December 7, 2010, Defendants' filed their Amended Motion for Summary
18 Judgment. [ECF No. 37].

19 On January 3, 2011, Plaintiff filed Plaintiff's Brief in Opposition to Defendants'
20 Amended Motion for Summary Judgment. [ECF No. 41]. Defendants never filed a reply
21 to the opposition.

22 A Joint Pretrial Statement is due by April 15, 2011. [ECF No. 44].

23 **II. Plaintiff Requests a Pretrial Conference**

24 Plaintiff requests a pretrial conference pursuant to Local Rule 16-2 due to the
25 parties having yet to participate in a settlement conference and the unresolved motions
26 for summary judgment. The rule states:

27 Unless specifically ordered, the court will not conduct
28 pretrial conferences. A party may at any time make
written request for a pretrial conference to expedite

1 disposition of any case, particularly one which is complex
2 or in which there has been delay. Pretrial conferences
may be called at any time by the court on its own
initiative.

3 LR 16-2.

4 Due to the pending resolution of the two outstanding motions for summary
5 judgment and the fact that the parties have yet to participate in a settlement
6 conference, Plaintiff believes that a pretrial conference is warranted. Further, a
7 pretrial conference would aid the parties in drafting a more tailored Joint Pretrial
8 Statement and hopefully would resolve other issues leading up to a planned trial.

9 **III. Conclusion**

10 Plaintiff respectfully requests that a pretrial conference be scheduled in this case.

11 Dated this 7th day of April, 2011.

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16 *Attorney for Robert Maxey*
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 7th day of April, 2011, I caused a true and correct copy of the following document to be served upon the counsel listed herein via the court general Notice of Electronic Filing:

DOCUMENTS FILED AND SERVED

1. **PLAINTIFF'S REQUEST FOR PRETRIAL CONFERENCE**

☒ **By ECF System:**

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I declare under penalty of perjury that the foregoing is true and correct.



Peter J. Goatz